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November 23, 2022

VIA ECF

Honorable Barbara C. Moses
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

Re: *Kadeen Walters v. City of New York et al.*,
21-CV-07378 (DLC) (BCM)

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and attorney for defendants City of New York, Mayor Bill DeBlasio, Dermot F. Shea, Terence A. Monahan, Michael Garrison, Robert Ohare, Brian Brandefine, and Michael Collarini ("City Defendants"). City Defendants respectfully request that the November 30, 2022 settlement conference be adjourned to a date and time convenient to the Court, such as the dates proposed below, after the parties have completed additional discovery, such as pre-deposition document discovery. Plaintiff consents to the instant application.

By way of background, plaintiff brings this action against City Defendants, pursuant to 42 U.S.C. 1983 and the New York State Constitution, alleging various claims such as excessive force, denial of equal protection, unlawful seizure, assault, battery, and false arrest stemming from his arrest on or about June 4, 2020. *See Amended Complaint* (Dkt. No. 18) at pgs. 14-21. Specifically, plaintiff alleges, *inter alia*, that, on or about June 4, 2022, he was approached by individuals he didn't know were police officers and fled the scene on his bicycle. *Id.* at pg. 6. Plaintiff was eventually apprehended and claims he was subjected to excessive force upon arrest, namely that he was slammed to the ground and stomped on by several officers after surrendering. In addition, he claims that he was held for approximately eleven hours. *Id.* at pgs. 7-10. Plaintiff maintains that the defendants' conduct was motivated by "discriminatory animus" because he allegedly heard officers openly discussing their intent to arrest more minorities. *Id.* at pgs. 8-9.

The parties do not believe that participating in a settlement conference with Your Honor at this time will be productive. In accordance with Your Honor's Order Scheduling Settlement Conference, ECF No. 31, the parties met and conferred in an attempt to resolve this case. Additional time is needed to conduct further discovery, including the exchange of additional documents. Once this additional discovery has been conducted, the parties will be in a position to further evaluate this matter for settlement.

Accordingly, City defendants respectfully request that the November 30, 2022 settlement conference be adjourned to a date and time convenient to the Court after the parties complete additional discovery. The parties propose the following dates: January 24, 2022 and January 25, 2022.

Thank you for your consideration of the instant application.

Respectfully submitted,

/s/ Thomas Lai

Thomas Lai

Senior Counsel

Special Federal Litigation Division

To: VIA ECF

Ria Julien

Jeanne Ellen Mirer

Attorneys for Plaintiff

Application GRANTED. The settlement conference is adjourned to **January 24, 2023 at 2:15 p.m.** The parties shall submit their confidential settlement letters and acknowledgment forms, as required by §§ 3 and 4 of the Order Scheduling Settlement Conference (Dkt. 31) no later than **January 17, 2023**. SO ORDERED.



Barbara Moses

United States Magistrate Judge

November 28, 2022